Case 19-05555-hb	Doc 31	Filed 01/03/20	Entered 01/06/20 09:08:49	Desc Main
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UNITED ST FOR THE DI	TATES BANKRUPTCY COURT ISTRICT OF SOUTH CAROLINA	
In re:) Case No. 19-05555	2020 JAN - 3 PM 5: 15
Michelle Yvette Hodges Debtor)) CHAPTER 13)	US BANKRUPT CY DISTRICT OF SOUTH CAROLINA

OBJECTION TO ALLY'S PROOF OF CLAIM

- I, Michelle Hodges, the Debtor hereby object to the proof of claim submitted by Ally, as Ally does not hold an allowable claim under 11 USC 502 that is not being objected to.
 - 1. The Creditor's claim is unenforceable, as the sales contract was fraudulent, as it indicated that I was purchasing a new car. When in fact I was purchasing a car that had been previously totaled by an insurance company.
 - 2. In December of 2016 I purchased the KIA Forte from KIA of Greenville and in January of 2017, I lost my job and I happened to be near KIA of Green and I went in to see what my options would be and I received a report that my car had been totaled prior to my purchase.
 - 3. I was devastated, I called KIA of Greenville and when I finally got in touch with the manager, he was not helpful at all and was in fact rude. I called Ally to find out if they knew about this, they said no. I called the DMV, they stated they did not give out that information and suggested I call the lender. I called Ally back and requested a copy of the title.
 - 4. The title I received showed minimal information and nothing about any accidents. I called my insurance company and they stated they did not know. I called the insurance company that was listed on the report, they never would answer the phone.

- 5. I found the name of owner of KIA of Greenville online at the Better Business Bureau website and left a message for Mr. Bob Hogan and he called back and I explained to him my purchase of the car and that I had gone into KIA of Greer and received a report that that the car had been totaled.
- 6. I explained that the report showed no accidents and then on the last page, it shows totaled. He stated that he would have this checked out and we set up an appointment for 1/31/19, to meet at KIA of Greer. At the appointment, Mr. Hogan He was very nice and he advised me that the car definitely had not been totaled, as he had pulled another report
- 7. He stated, however, he did find out from the dealership that the car was in a minor accident and because the minor accident happened when the dealership had the car it would not show up on the report.
- 8. He further, stated that he would be willing to pay me for the minor accident since it was not disclosed to me, prior to purchase and further emphasized that the car definitely had not been totaled.
- 9. At the appointment he gave me a copy of the repair bill for the minor accident, a check for \$3406.00 and stated that he would provide me with free oil changes and would provide me with a loaner car to drive, so that he could have the KIA thoroughly checked out and a new report that shows that there were no accidents to the car.
- 10. I questioned again the new report not showing any accidents, he stated that sometimes the information is not put into the system correctly and can cause a report with incorrect information.

- 11. I stated that the vin number was correct and he stated that he just could not explain why that printed that way and the new report shows that the car was not totaled and that he had given me a check for the minor accident and has apologized.
- 12. After I got home, I realized that I did not have the new report and I called him back and he stated no problem, they will have one ready for me when I pick up the car. I picked up my car and the report on 2/3/17.
- 13. When my Daughter decided that she no longer could pay for the Nissan, I decided that I would sell both cars and get a new one.
- 14. I took the Nissan to CarMax, where I purchased it and had it appraised and found out that the value of the Nissan was less than the loan, so I wouldn't get any money from the sale of the Nissan.
- 15. So, the next day I took the KIA for an appraisal and found out that not only was the value less than the loan, but I received a National report that showed that the KIA had in fact been totaled prior to my purchase.
- 16. This confirmed in my mind that Mr. Hogan and KIA of Greenville were in fact aware that the car had been totaled and this is why he made so many offers.
- 17. I have been devastated and have a couple of messages for Mr. Hogan, and called the insurance company showing on the report and
- 18. I lost money that I put into the car and punitive damages are in order.

ATTACHMENTS

a. Copy of report I was given by Mr. Hogan, showing no accidents

- b. Copy of the National Report I received from CarMax.
- c. Copy of Minor Accident report.

Respectfully submitted,

Michelle Hodges, 12/31/19 Hodge.

Debtor

PO Box 95

Mauldin, SC 29662

864-714-5263

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH CAROLINA

IN RE: MICHELLE YVETTE HODGES

CASE NO: 19-0555-HB

(Set forth here all names including married, maiden, and trade names used by debtor within the last 8 years.)

CHAPTER:13

DEBTOR(S)

NOTICE OF MOTION/APPLICATION AND OPPORTUNITY FOR HEARING

Address: PO Box 95

Mauldin, SC 29662

Last four digits of Social-Security): 2040

NOTICE OF HEARING FOR OBJECTION

TO ALLY'S PROOF OF CLAIM

Michelle Hodges has filed papers with the court to [relief sought for objection to creditor's claim by Ally.

<u>Your rights may be affected</u>. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to [relief sought in motion or objection], or you want the court to consider your views on the [motion] [objection], then within (21____) days of service of this notice, you or your attorney must:

File with the court a written response, return, or objection at:

1100 Laurel Street Columbia, SC 29201

Responses, returns, or objections filed by an attorney must be electronically filed in ecf.scb.uscourts.gov.

If you mail your response, return, or objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:n/a

Attend the hearing scheduled to be heard on (March 5), (2020), at 10:30 a.m./p.m. at the United States Bankruptcy Court, {address}.

If no response, return, and/or objection is timely filed and served, no hearing will be held on this [motion] [objection], except at the direction of the judge.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: 1/2/2020	Wille Hogen
	Signature of Attorney/Pro Se Debtor
	MICHELLE HODGES
	PO BOX 95, MAULIN, SC 29662
	864-714-5263
	District Court I.D. Number

UNITED STATES BANKRUPTCY COURT DISTRICT OF SOUTH CAROLINA

IN RE: MICELLE YVETTE HODGES

CASE NO 19-05555-hb CHAPTER 13

CERTIFICATE OF SERVICE

I hereby certify that I served the following Creditors a copy of the Notice of Bankruptcy, Amended Bankruptcy Plan, Objection to Proof of Claim and a Notice of Hearing, via Certified mail.

ALLY FINANCIAL -P.O. BOX 380901 BLOOMINGTON, MN 55438

LVNV FUNDING Resurgent Capital PO Box 10587 Greenville, SC 29603

Wells Fargo Bank acct #0412780801 PO BOX 10335 DES MOINES, IA 50306

CASH AMERICA PAWN 1600 West 7th Street Fortworth, TX 247-2559

Liberty Mutual Insurance Billing Operations 100 Liberty Way Dover, New Hampshire 03820

Guardian Protection Services 174 Thorn Hill Rd Warrendale, PA 15086

HSN 1 HSN DR St Petersburg, FL 33729

Greenville County Probate Court 301 University Ridge Greenville, SC

Watkin Garrett Woods 1011 Augusta St Greenville, SC 29605

Michelle Horlyn 1/2/2020

MICHELLE HODGES
PO BOX 95
MAULDIN, SC 29662
864-714-5263
michellehodges938@gmail.com

December 31, 2019

J. Bratton Davis U.S. Bankruptcy Courthouse United States Bankruptcy Court South Carolina District Attn: Ms. Laura A. Austin Clerk of Court 1100 Laurel Street Columbia, South Carolina 29201-2423

Dear: Clerk of Court, Ms. Laura A. Austin,

Attached is is my Objection to the Ally proof of claim, along with a Notice of Hearing and Certificate of Service and supporting documents as follows:

Copy of National Report, showing KIA was totaled Copy of report from KIA of Greer, showing no accidents Copy of minor accident, repair bill.

Respectfully submitted, la Wife

Michelle Hodges Debtor

NMVTIS Title History Reports

Report run date: 2019-08-27 18:17:33.632 EDT



Vehicle Details

This section lists basic vehicle details encoded by the VIN.

Vin:

KNAFX4A69G5443516

Style/Body:

Sedan 4D

Year:

2016

Class:

Small Car - Economy

Make:

Kia

Engine:

1.8L 14 MPI

Model:

Forte LX

Country of Assembly:

South Korea

Title Brands

A "Brand" defines the status of a vehicle, such as Theft,Flood or Rebuilt. A brand is carried with the title as the vehicle travels from state to state. There are over 250 brands recognized by NMVTIS that can be categorized by type.



Flood damage No Problem found Fire damage No Problem found Hail damage No Problem found Salt water damage No Problem found **Vandalism** No Problem found Kit No Problem found Dismantled No Problem found Junk No Problem found Rebuilt No Problem found Reconstructed No Problem found

Document Päge 10 of 18	No Problem found
Test Vehicle	No Problem found
Refurbished	No Problem found
Collision	No Problem found
Reserved	No Problem found
Salvage Retention	No Problem found
Prior Taxi	No Problem found
Prior Police	No Problem found
Original Taxi	No Problem found
Original Police	No Problem found
Remanufactured	No Problem found
Gray Market	No Problem found
Warranty Return	No Problem found
Antique	No Problem found
Classic	No Problem found
Agricultural Vehicle	No Problem found
Logging Vehicle	No Problem found
Street Rod	No Problem found
Vehicle Contains Reissued VIN	No Problem found
Replica	No Problem found
Totaled	No Problem found
Owner Retained	No Problem found
Bond Posted	No Problem found
Memorandum Copy	No Problem found
Parts Only	No Problem found
Recovered Theft	No Problem found
Undisclosed Lien	No Problem found

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Call Title Division

Document

No Problem found

Rectify Previous Exceeds Mechanical Limits Brand

No Problem found

Pending Junk Automobile - CARS.gov

No Problem found

Junk Automobile - CARS.gov

No Problem found

Title Records

This section lists title records.



State VIN **Issue Date Odometer** Type South Carolina KNAFX4A69G5443516 12/21/2016 2,858 Miles Current

State Contact Information

Please click on the state link below to request details



If you need more information please contact the State of South Carolina

Junk/Salvage Records

This section list junk, salvage records.



Reporting Reporting Entity Date **Details** Occurrence

No Junk or Salvage Records found for this vehicle.

Insurance Records

This section list insurance records



Reporting Occurrence

Reporting Entity Information

Date of Total Loss Declaration

8/27/2019

1

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AUTO-OWNERS INSURANCE COMPANY

GREENVILLE, SC Phone: 5173231200

Email: PAGE.THOMAS@AOINS.COM

05/18/2016 -

NMVTIS Consumer Access Product Disclaimer

The National Motor Vehicle Title Information System (NMVTIS) is an electronic system that contains information on certain automobiles titled in the United States. NMVTIS is intended to serve as a reliable source of title and brand history for automobiles, but it does not contain detailed information regarding a vehicle's repair history.

All states, insurance companies, and junk and salvage yards are required by federal law to regularly report information to NMVTIS. However, NMVTIS does not contain information on all motor vehicles in the United States because some states are not yet providing their vehicle data to the system. Currently, the data provided to NMVTIS by states is provided in a variety of time frames; while some states report and update NMVTIS data in "real-time" (as title transactions occur), other states send updates less frequently, such as once every 24 hours or within a period of days.

Information on previous, significant vehicle damage may not be included in the system if the vehicle was never determined by an insurance company (or other appropriate entity) to be a "total loss" or branded by a state titling agency. Conversely, an insurance carrier may be required to report a "total loss" even if the vehicle's titling-state has not determined the vehicle to be "salvage" or "junk."

A vehicle history report is <u>NOT</u> a substitute for an independent vehicle inspection. Before making a decision to purchase a vehicle, consumers are **strongly encouraged to also obtain an independent vehicle inspection** to ensure the vehicle does not have hidden damage. The **Approved NMVTIS Data Providers** (look for the NMVTIS logo) can include vehicle condition data from sources other than NMVTIS.

NMVTIS data INCLUDES (as available by those entities required to report to the System):

- Information from participating state motor vehicle titling agencies.
- Information on automobiles, buses, trucks, motorcycles, recreational vehicles, motor homes, and tractors. NMVTIS may not currently
 include commercial vehicles if those vehicles are not included in a state's primary database for title records (in some states, those
 vehicles are managed by a separate state agency), although these records may be added at a later time.
- Information on "brands" applied to vehicles provided by participating state motor vehicle titling agencies. Brand types and definitions vary
 by state, but may provide useful information about the condition or prior use of the vehicle.
- Most recent odometer reading in the state's title record.
- Information from insurance companies, and auto recyclers, including junk and salvage yards, that is required by law to be reported to the
 system, beginning March 31, 2009. This information will include if the vehicle was determined to be a "total loss" by an insurance carrier.
- Information from junk and salvage yards receiving a "cash for clunker" vehicle traded-in under the Consumer Assistance to Recycle and Save Act of 2009 (CARS) Program.

Consumers are advised to visit www.vehiclehistory.gov for details on how to interpret the information in the system and understand the meaning of various labels applied to vehicles by the participating state motor vehicle titling agencies.





This report is brought to you by: KIA OF GREER 14345 E WADE HAMPTON BLVD **GREER, SC 29651** 864.879.3800 www.kiaofgreer.com (http://www.kiaofgreer.com)

Your AutoCheck Vehicle History Report

Report Run Date: February 2, 2017 9:29:52 AM EST

2016 Kia Forte LX

VIN: KNAFX4A69G5443516

Year: 2016 Make: Kia

Model: Forte LX Style/Body: Sedan 4D Class: Small Car - Economy

Engine: 1.8L I4 MPI

Country of Assembly: South Korea

Vehicle Age: 1 year(s) Calculated Owners: 1





Accident Check Reported accidents: 0



State Title Brand and Other Problem Check

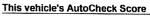
Your vehicle checks out:



Odometer Check Your vehicle checks out: Last Reported Odometer Reading: 2,858



Vehicle Use and Event Check Specific vehicle use(s) or events reported





The AutoCheck Score is a summary of your vehicle's history. It lets you compare similar vehicles with ease.

This vehicle is eligible for Buyback Protection



Due to the vehicle's history showing no reported state title brands or other problems. About Buyback Protection

(https://www.autocheck.com/members/culdesac/whatIsThis.jsp)

Accident Check Not all accidents / issues are reported to AutoCheck.



Your Vehicle Checks Out: There have been no accidents reported to AutoCheck (http://www.autocheck.com/terms) for this 2016 Kia Forte LX (KNAFX4A69G5443516). AutoCheck receives its accident data from government sources and independent agencies, and based on the information available to us, we have found that no accidents have been reported on this vehicle.



State Title Brand and Other Problem Check



Your Vehicle Checks Out: AutoCheck's database for this 2016 Kia Forte LX (KNAFX4A69G5443516) shows no negative titles or other problems. When reported to AutoCheck (http://www.autocheck.com/terms), these events can indicate serious past damage or other significant problems, and disqualifies the vehicle for AutoCheck Buyback Protection. Check the Vehicle Use and Event Check for reported accidents that can affect vehicle safety and value.

0 Problem(s) Reported:	15 State Title and Other Problem areas checked:
Ö	No abandoned record
٥	No damaged or major damage incident record
Ø	No fire damaged record
3	No grey market record
Ø	No hail damage record
0	No insurance loss or probable total loss record
3	No junk or scrapped record
③	No manufacturer buyback or lemon record
43	No odometer problem record
3	No rebuilt or rebuildable record
Ó	No salvage or salvage auction record
٥	No water damaged record
0	No NHTSA crash test record
	No frame or structural damage record
0	No recycling facility record

Odometer Check



Your Vehicle Checks Out: AutoCheck examined the reported odometer readings reported to AutoCheck (http://www.autocheck.com/terms) for this 2016 Kia Forte LX (KNAFX4A69G5443516) and no indication of an odometer rollback or tampering was found. AutoCheck uses business rules to determine if reported odometer readings are significantly less than previously reported values. Not all reported odometer readings are used. Title and auction events also report odometer tampering or breakage.

0 Problem(s) Reported:	Mileage	Date Reported			
And the second second					
٨	2,858	12/21/2016			

Vehicle Use and Event Check



Information Reported: AutoCheck shows additional vehicle uses or events reported to AutoCheck (http://www.autocheck.com/terms) for this 2016 Kia Forte LX (KNAFX4A69G5443516). This includes reported vehicle uses such as rental or lease, and events such as whether the vehicle has been reported to have had a loan/lien or a duplicate title issued. Other events show if the vehicle has a reported accident and how many calculated accidents or if it has been reported stolen or repossessed. It is recommended to have pre-owned vehicles inspected by a third party prior to purchase.

0 Event(s) Reported:	6 Vehicle uses checked:
•	No fleet, rental and/or lease use record
Ö	No taxi use record
0	No police use record
•	No government use record
0	No livery use record
•	No driver education record
1 Event(s) Reported:	9 Vehicle events checked:
0	No accident record reported through accident data sources
0	No corrected title record
•	No duplicate title record
٥	No emission/safety inspection record
•	Loan/Lien record(s)
3	No fire damage incident record
©	No repossessed record
©	No theft record
©	No storm area registration/title record

Detailed Vehicle History

Below are the historical events for this vehicle listed in chronological order. Any discrepancies will be in bold

Report Run Date February 2, 2017 9:29:52 AM EST

Vehicle: 2016 Kia Forte LX (KNAFX4A69G5443516)



Event date	Location	Odometer reading	Data Source	Details
12/21/2016		2,858	Motor Vehicle Dept.	ODOMETER READING FROM DMV REGISTRATION EVENT/RENEWAL
01/06/2017	MAULDIN, SC		Motor Vehicle Dept.	TITLE (Title #:772060322793367) (Lien Reported)
11113 V	ehicle's Glossaı	У		
* *		er andre en er er en		And the second of the second o
elow are th	e specific definitions	for events that appear in thi	is vehicle's report.	
fore inform	ation is available in th	e full AutoCheck glossary. (h	ttps://www.autocheck.com/m	embers/culdesac/freelink_glossary.jsp)
				e de la companya de
Term	Section	Definition		

COLLISION

Potered 01/06/20 09:08:49 Desc Main Page 16/6FENVILLE Workie ID:

Federal ID: State EPA:

b21762ab 47-2426581

RESTORING THE RHYTHM OF YOUR LIFE 1290 RIDGE ROAD, GREENVILLE, SC 29607

Phone: (864) 234-0551 FAX: (864) 297-6677

Final Bill

RO Number: 1613007689

Customer:

Insurance:

CUSTOMER PAY

Adjuster:

Estimator: Create Date:

Dawn Johnston

8/5/2016

KIA OF GREENVILLE 2424 Laurens rd.

Greenville, SC 29607

(864) 234-5389

Phone: Claim:

Loss Date:

Deductible:

2016 KIA FORTE LX 4D SED 4-1.8L-FI ABP BLACK METALLIC

VIN:

KNAFX4A69G5443516

Interior Color:

GRAY

Mileage In:

2853

Vehicle Out:

8/31/2016

License: NONE State: SC

Exterior Color: Production Date:

ABP BLACK METALLIC 4/2015

Mileage Out: Condition:

Good

***************************************			72013	·	Condition:	Good	Job #:		
Line	Ver	Operation	Description	Qty	Park			~~~	
				Ark	Extended Price \$	Part	Labor	Type	Paint
1	E01		FRONT BUMPER & GRILLE		FIRES	Туре			
Z	E01	Repair	Bumper cover w/o prk sensor						
3	E01		Add for Clear Coat				3.5	Body	2.1
4	E01	Overhaul	O/H bumper assy						1.1
5	E01	Remove/Install	Emblem			OEM	1.8	Body	
6	E01	Remove/Install	RT Cover w/o fog lamps				0.0	Body	
7	E01	Remove/Install	LT Cover w/o fog lamps				0.0	Body	
8	E01	Refinish	Tow eye cap				0.0	Body	
9	E01		Add for Clear Coat						0.2
10	E01	Remove/Replace	Upper grille						0.1
11	E01	Remove/Replace	Lower grille	1	141.677	OEM	0.0	Body	
12	E01	Remove/Replace	Lower deflector from 11/29/13	1	57.13T	OEM	0.0	Body	
13	E01		FRONT LAMPS	1	42.03T	OEM		Body	
14	E01	Remove/Install	LT Headlamp assy					•	
15	E01		FENDER				0.3	Boriv	
16	E01	Blend	LT Fender					,	
17	E01	Remove/Install	LT Fender liner						
18	E01	Remove/Install	LT Mud guard				0.3 1	Brack .	0.9
19	E01		ELECTRICAL				0.4	•	
20 (E01	Remove/Install	Antenna w/o navigation, w/paint aurora black						
1 1	- 01						0.6 E	lody	
		Dannin	WINDSHIELD						
		Repair	Windshield - ROPE / MASK FOR PAINT						
	301		COMF				0.3 B	ody	

sed Prior Damage, AA = Appearance Allowance, UPD = Unrelated Prior Damage, PDR = Paintless Dent Repair, A/M = Aftermarket, Rechr = Rechronical, Resign = ofactured, OEH == New Original Equip sent Manufacturer, Recor = Re-cored, RECOND = Reconditioned, LKQ = Like Kind Quality or Used, Diag = Diagnostic, Elec = Electrical, Mech = Mechanical, Ref = Refinish, Struc = Structural 8/31/2016 6:12:39 PM -

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RO Number: 1613007689 2016 KIA FORTE LX 4D SED 4-1.8L-FI ABP BLACK METALLIC 24 E01 Remove/Install Cowl aritle 0.6 Body 25 E01 ROOF 26 E01 Remove/Install LT Roof molding 0.4 Body 27 E01 Repair Roof panel 2.0 Body 28 3.0 E01 Overlap Major Non-Adj. Panel 29 E01 (0.2)Add for Clear Coat 30 0.6 E01 Remove/Install **R&I** headliner -- DROP RR SECTION 1.5 Body 31 E01 Remove/Install RT Roof molding 0.4 Body 32 E01 PILLARS, ROCKER & FLOOR 33 E01 Repair LT Hinge pillar 34 2.0 Body E01 1.5 Add for Clear Coat 35 E01 Remove/Install 0.3 LT Fixed glass w/black trim 36 1.0 Body E01 Remove/Install LT W/S pillar trim 37 0.2 Body **S01** Blend LT Rocker panel 38 **S01 Sublet** 0.8 LT Fixed glass w/black trim 1 50.00 Glass 39 E01 **FRONT DOOR** 40 E01 Repair LT Door shell 41 E01 8.0 Body 2.0 Overlap Major Adj. Panel 42 E01 (0.4)Add for Clear Coat 43 E01 Remove/Install 0.3 LT Door w'strip 44 E01 Remove/Install 0.5 Body LT R&I door assy 45 Remove/Install E01 1.1 Body LT Belt molding black 46 E01 Remove/Install 0.2 Body LT Mirror assy w/o power folding, w/o 0.3 Body signal lamp. 47 E01 Remove/Install LT Regulator module 48 E01 Remove/Install 1.1 Body LT Door glass Kia w/o anti-theft 49 E01 0.0 Body Remove/Install LT Handle, outside w/o chrome from 11/27/13 0.5 Body 50 E01 Remove/Install LT R&I trim panel 51 E01 **REAR DOOR** 0.5 Body 52 E01 Repair LT Door shell 53 E01 5.0 Body Overlap Major Adj. Panel 2.1 54 E01 Add for Clear Coat (0.4)55 E01 Remove/Install LT Door w'strip 0.3 56 E01 Remove/Install 0.5 Body LT Belt molding black 57 E01 Remove/Install 0.0 Body LT Regulator module 58 E01 Remove/Install LT Moveable glass Kia 1.3 Body 59 E01 Remove/Install 0.8 Body LT Fixed glass Kia 60 E01 Remove/Install LT Handle, outside w/o chrome from 0.3 Body 11/27/13 0.5 Body 61 E01 Remove/Install LT R&I trim panel 62 E01 0.5 Body **BACK GLASS** 63 E01 Repair Back glass - ROPE / MASK FOR PAINT

0.3 Body

T = Taxable Item, RPD = Related Prior Damage, AA = Appearance Allowance, UPD = Unrelated Prior Damage, PDR = Paintless Dent Repair, A/M = Aftermarket, Rechr = Rechromed, Reman = Rechanical, Ref = Refinish, Struc = Structural

8/31/2016 6:12:39 PM